

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 1, 2010

Lyle W. Cayce
Clerk

No. 09-50763

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEX LOPEZ-CRUZ,

Also Known as Alex Lopez Cruz, Also Known as Rene Cruz-Lopez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
No. 1:09-CR-120-4

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Alex Lopez-Cruz appeals the sentence imposed following his guilty-plea

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conviction for conspiracy to possess with intent to distribute cocaine. As part of his plea agreement, Lopez-Cruz waived the right to appeal his sentence except for “a good faith allegation that it was the result of ineffective assistance of counsel or prosecutorial misconduct.” On appeal, he argues that his counsel was ineffective at sentencing for failing to object to the firearm adjustment applied to his sentence and for failing to bring information about responsibility for the firearm to the attention of the probation officer.

Because Lopez-Cruz did not raise this issue in district court, the record is not sufficiently developed for us to review the claim. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). Accordingly, the judgment is AFFIRMED.